

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
: NO. 16-cr-61
vs. :
: JUDGE DIAMOND
GARY HITE :

O R D E R

AND NOW, this _____ day of _____, 2016, the Court being advised that defense counsel needs additional time to effectively prepare the above-captioned matter for sentencing, and the Government having no objection to the defendant's motion, it is hereby ORDERED that the motion to continuance sentencing is GRANTED and sentencing this matter is hereby scheduled for the _____ day of _____, 2016.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
: **NO. 16-cr-61**
vs. :
: **JUDGE DIAMOND**
GARY HITE :

**SECOND MOTION FOR A CONTINUANCE
OF SENTENCING**

AND NOW, the defendant, Gary Hite, by and through his attorney, Michael J. Diamondstein, does file the within Second Motion for a Continuance of Sentencing and avers as follows:

1. Mr. Hite has retained the legal services of Michael J. Diamondstein, P.C., in connection with his defense in the above-captioned matter.

2. On or about February 24, 2016, Gary Hite was charged by information with distribution of child pornography (18 U.S.C. § 2252(a)(2)) and possession of child pornography (18 U.S.C. § 2252(a)(4)(B)).

3. On March 15, 2016, Mr. Hite appeared with counsel and pled guilty to counts 1 and 2 of the information.

4. Sentencing is currently scheduled for July 20th, 2016 at 9:30 a.m.
5. Counsel respectfully submits that additional time is necessary to properly prepare for sentencing in this matter.
6. Specifically, a legal issue has arisen that Mr. Hite must be fully advised of. Based upon the issue, Mr. Hite must make a decision on how he wishes to proceed.
7. Accordingly, a brief continuance is hereby requested.
8. Without the additional time requested, undersigned counsel will be unable to effectively represent Mr. Hite.
9. The Government (through Assistant United States Michelle Rotella, Esquire) has no objection to this request.
10. Mr. Hite has been advised of and respectfully waives his right to a speedy sentencing.
11. It is respectfully submitted that a continuance as requested would be in the interests of justice.

12. It is therefore respectfully requested that the within Motion for a Continuance be **GRANTED**.

13. We respectfully submit that a continuance of an additional thirty (30) to forty-five (45) days should be sufficient to complete the necessary preparations in this matter.

Respectfully submitted,

Dated: **July 12th, 2016**

/s/ Michael J. Diamondstein

MICHAEL J. DIAMONDSTEIN
Attorney for Gary Hite
Suite 900
Two Penn Center
1500 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19102
(215) 940-2700
mjd@michaeldiamondstein.com

CERTIFICATE OF SERVICE

Michael J. Diamondstein, being duly sworn according to law, deposes and says that on the **12th** day of **July, 2016**, a copy of the within document was served upon the following individuals:

Hon. Paul S. Diamond
U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797
VIA EFILE

Michelle Rotella, Esquire
Assistant United States Attorney
615 Chestnut Street
Suite 1250
Philadelphia, Pennsylvania 19106

Clerk's Office
U.S. District Court, Eastern District of Pennsylvania
2609 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797
VIA EFILE

Respectfully submitted,

Dated: **July 12th, 2016**

/s/ Michael J. Diamondstein
MICHAEL J. DIAMONDSTEIN
Attorney for Gary Hite
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Two Penn Center
1500 John F. Kennedy Boulevard
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